

SENATE BILL No. 194

By Committee on Ways and Means

2-14

1 AN ACT concerning water; relating to groundwater management districts;
2 user charges; amending K.S.A. 2016 Supp. 82a-1030 and repealing the
3 existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 82a-1030 is hereby amended to read as
7 follows: 82a-1030. (a) In order to finance the operations of the district, the
8 board may assess an annual water user charge against every person who
9 withdraws groundwater from within the boundaries of the district. The
10 board shall base such charge upon the amount of groundwater allocated for
11 such person's use pursuant to such person's water right. Such charge shall
12 not exceed \$1.50 for each acre-foot (~~325,851 gallons~~) of groundwater
13 withdrawn within the district or allocated by the water right, except that a
14 groundwater management district may assess a greater annual water user
15 charge not ~~exceeding \$1.50~~ to exceed \$2.00 for each acre-foot of
16 groundwater withdrawn within the district if more than 50% of the
17 authorized place of use for such groundwater is outside the district.
18 ~~Whenever~~ *When* a person shows by the submission to the board of a
19 verified claim and any supportive data which may be required by the board
20 that such person's actual annual groundwater withdrawal is in a lesser
21 amount than that allocated by the water right of such person, the board
22 ~~shall~~ *may* assess such annual charge against such person on the amount of
23 water shown to be withdrawn by the verified claim. Any such claim shall
24 be submitted by April 1 of the year in which such annual charge is to be
25 assessed. *By December 31 of each year, the board shall determine whether*
26 *verified claims will be accepted for the ensuing year's water use.* The
27 board may also make an annual assessment against each landowner of not
28 to exceed ~~\$05.10~~ for each acre of land owned within the boundaries of the
29 district. Special assessments may also be levied, as provided hereafter,
30 against land specially benefited by a capital improvement without regard
31 to the limits prescribed above.

32 (b) Before any assessment is made, or user charge imposed, the board
33 shall submit the proposed budget for the ensuing year to the eligible voters
34 of the district at a hearing called for that purpose by one publication in a
35 newspaper or newspapers of general circulation within the district at least
36 28 days prior to the meeting. Following the hearing, the board shall, by

1 resolution, adopt either the proposed budget or a modified budget and
2 determine the amount of land assessment or user charge, or both, needed to
3 support such budget.

4 (c) Both the user charges assessed for groundwater withdrawn and the
5 assessments against lands within the district shall be certified to the proper
6 county clerks and collected the same as other taxes in accordance with
7 K.S.A. 79-1801, and amendments thereto, and the amount thereof shall
8 attach to the real property involved as a lien in accordance with K.S.A. 79-
9 1804, and amendments thereto. All moneys so collected shall be remitted
10 by the county treasurer to the treasurer of the groundwater management
11 district who shall deposit them to the credit of the general fund of the
12 district. The accounts of each groundwater management district shall be
13 audited annually by a public accountant or certified public accountant.

14 (d) (1) Subsequent to the certification of approval of the organization
15 of a district by the secretary of state and the election of a board of directors
16 for such district, such board shall be authorized to issue no-fund warrants
17 in amounts sufficient to meet the operating expenses of the district until
18 money therefor becomes available pursuant to user charges or assessments
19 under subsection (a). In no case shall the amount of any such issuance be
20 in excess of 20% of the total amount of money receivable from
21 assessments ~~which~~*that* could be levied in any one year as provided in
22 subsection (a). No such warrants shall be issued until a resolution
23 authorizing the same shall have been adopted by the board and published
24 once in a newspaper having a general circulation in each county within the
25 boundaries of the district. Whereupon such warrants may be issued unless
26 a petition in opposition to the same, signed by not less than 10% of the
27 eligible voters of such district and in no case by less than 20 of the eligible
28 voters of such district, is filed with the county clerk of each of the counties
29 in such district within 10 days following such publication. In the event
30 such a petition is filed, it shall be the duty of the board of such district to
31 submit the question to the eligible voters at an election called for such
32 purpose. Such election shall be noticed and conducted as provided by
33 K.S.A. 82a-1031, and amendments thereto.

34 (2) Whenever no-fund warrants are issued under the authority of this
35 subsection, the board of directors of such district shall make an assessment
36 each year for three years in approximately equal installments for the
37 purpose of paying such warrants and the interest thereon. All such
38 assessments shall be in addition to all other assessments authorized or
39 limited by law. Such warrants shall be issued, registered, redeemed and
40 bear interest in the manner and in the form prescribed by K.S.A. 79-2940,
41 and amendments thereto, except they shall not bear the notation required
42 by such statute and may be issued without the approval of the state board
43 of tax appeals. Any surplus existing after the redemption of such warrants

1 shall be handled in the manner prescribed by K.S.A. 79-2940, and
2 amendments thereto.

3 Sec. 2. K.S.A. 2016 Supp. 82a-1030 is hereby repealed.

4 Sec. 3. This act shall take effect and be in force from and after its
5 publication in the statute book.